

REMARKS

Status of the Claims

Claims pending in the above-identified application are Claims 7 and 11-21. Claims 1-6 and 8-10 are cancelled without prejudice. Claim 7 is amended. Claims 11-21 are new. The amendment and new claims do not introduce new matter into the above-identified application.

The Restriction Election

The Office Action acknowledges the election of Claims 7 and 10. Although Claim 10 is cancelled without prejudice, the invention as claimed in Claim 10 is presented in new Claims 11-15.

The Rejection Under 35 USC § 112

Claims 7 and 10 are rejected under 35 U.S.C. § 112, presumably second paragraph, as being unclear. In view of the above amendment, Applicants respectfully assert that the rejection is obviated and request the rejection be withdrawn.

The Potential Rejection Under 35 USC § 103

The above-referenced Office Action states that Claims 7 and 10 may potentially be rejected under 35 U.S.C. § 103(a) in view of U.S. Patent No. 5,588,254 to Adachi et al. (*Adachi*). Had the rejection been asserted, Applicants would have traversed such rejection.

Adachi is directed “to increase the efficient of the production of agricultural products by applying to the production of agricultural products a specific oligosaccharide having an action of accelerating the growth of plants selected from various oligosaccharides.” See column 1, lines 49-53. According to *Adachi*, the oligosaccharides are defined as alginic acid oligosaccharide, xylooligosaccharide, oligosaccharide obtained by decomposing polysaccharides of plants cell walls, polygalacturonic acid oligosaccharide, pecton oligosaccharide, glucomannan oligosaccharide, agarooligosaccharide,

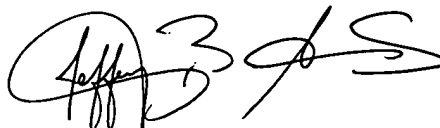
celluligosaccharide, inulooligosaccharide, mannan oligosaccharide, fucoidan oligosaccharide, gum Arabic oligosaccharide, Carrageenan oligosaccharide, and oligosaccharide obtained by decomposing polysaccharide produced by microorganisms. See column 2, line 32, to column 14, line 8. None of the aforementioned oligosaccharides are sulphated oligosaccharides. Further, *Adachi* does not disclose or suggest any method of sulphating the aforementioned oligosaccharides, nor suggest using a sulphated oligosaccharide to treat a plant.

In contrast, the claimed invention is directed to a method of treatment for protection of a plant which comprises applying an aqueous solution having a concentration of a sulphated fuco-oligosaccharide of at least 10 mg/l to the plant to be treated. The sulphated fuco-oligosaccharide has a polymerization degree from 4 to 100 α -L fucose units. Nowhere does *Adachi* teach or suggest the use of a sulphated fuco-oligosaccharide in treating a plant. Further, *Adachi* does not teach or suggest making use of the elicitor effect of a sulphated fuco-oligosaccharide. Accordingly, Applicants respectfully assert that *Adachi* would fail to make a prima facie showing of obviousness and not support a rejection of the pending claims under 35 U.S.C. § 103(a).

Conclusion

In view of the above amendment and remarks, Applicants respectfully assert that the rejection of the claims as set forth in the Office Action has been addressed and overcome. Applicants further respectfully assert that all claims are in condition for allowance and requests that an early notice of allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 745-2461 is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffery B. Arnold', with a large, stylized flourish extending to the right.

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Atty. Docket No.: 32976-256844